UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,829	07/05/2001	Paul Stahura	323328003US	1306

			EXAMINER
25096	7590	07/01/2005	DOAN, DUYEN MY

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ART UNIT	PAPER NUMBER
2143	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/899,829	STAHURA, PAUL
	Examiner	Art Unit	
	Duyen M. Doan	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _07 April 0205_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-49 and 51-72_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-49 and 51-72_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _07 April 2005_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail. Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Detail Action

Claims 1-49, 51-72 are presented for examination.

Claim 50 is cancelled.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claimed invention is directed to non-statutory subject matter. Claims 53-57,

applicant claims "A computer readable medium containing a data structure having a

domain name comprising a top level domain name, and another level domain name that

identifies a telephone number to be called when the domain name is specified". The

domain name is just the data, the top and another level domain name are not data

structure. Applicant cannot claim the data alone because it has no functionality.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claims 1-11, the phrase "wherein **devices** have **a** dynamic address

name" renders the claim indefinite because it is unclear whether the limitation(s)

following the phrase are part of the claimed invention. See MPEP § 2173.05(d). For

examination purpose, Examiner interpret as "each device have a dynamic address

name".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1,3-17, 19, 23-39 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Voit (us pat 6,104,711).

As regarding claim 1, Voit disclosed providing a domain name mapping of

domain names to intermediate identifiers (see abstract, col.6, lines 1-6, translating

domain name into the telephone number, telephone number is the intermediate

identifier); providing an address mapping of intermediate identifiers to addresses (see

abstract, col.6, lines 1-6, mapping from the telephone number to IP address); receiving

a domain name (col.10, lines 9-21); identifying from the domain name mapping an

intermediate identifier associated with the received domain name (col.6, lines 1-6,

col.10, lines 9-21); identifying from the address mapping an address associated with the

identified intermediate identifier (col.6, lines 1-6, col.10, lines 9-21); and sending the

identified address as the address of the received domain name (col.8, lines 61-63).

Voit did not expressly disclosed step by step for the translation from the domain

name into the intermediate identifier and translating the intermediate identifier into IP

address. Voit however disclosed two separate translations, translating the domain name into the intermediate identifier (telephone number) and the intermediate identifier (telephone number) into the IP address.

Therefore it would have been obvious to one with ordinary skill in the art at the time of the invention was made to use Voit's method to translate the domain name into the intermediate identifier and translating the intermediate identifier into IP address for the purpose of enhancing the processing functions performed by a domain name server in association with translation of names into routing addresses for establishing communication via pubic packet data network such as Internet (see Voit col.1, lines 6-10).

As regarding claim 13, Voit disclosed the intermediate identifier is a telephone number (col.6, lines 1-6, also see the abstract).

As regarding claim 14, Voit disclosed the address mapping maps telephone numbers to addresses of servers where a call to the telephone number is a local call (col.2, lines 6-11).

As regarding claim 15, Voit disclosed the telephone number is part of the domain name (col.8, lines 52-55).

. As regarding claim 16, Voit disclosed a second-level domain name is a telephone number (col8, lines 52-55).

As regarding claim 17, Voit disclosed a third-level domain name is a telephone number col.8, lines 52-55).

As regarding claim 19, Voit disclosed the intermediate identifier is a dynamic address name (col.6, lines 1-6, also see the abstract, dynamic address name is the variation of the telephone number).

As regarding claims 1,3-11 the limitations are similar to claims 12-17, 19, therefore rejected for the same rationale as claim 12-17, 19.

As regarding claims 23-39 the limitations are similar to claims 12-17, 19, therefore rejected for the same rationale as claim 12-17, 19.

Claims 18, 20, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit (us pat 6,104,711) as applied to claim 12, 13 above, and further in view of Waites (us pat 6,788,769).

As regarding claim 18, Voit disclosed all limitations of claim 12 and 13 above, but did not expressly disclose the telephone number is a parameter of a uniform resource identifier that includes the domain name.

Waites taught the telephone number is a parameter of a uniform resource identifier that includes the domain name (col.6, lines 18-23).

It would have been obvious to one with ordinary skill in the art at the time of the invention was made to combine the teaching of Waites to the method of Voit to have the telephone number is a parameter of a uniform resource identifier that includes the domain name for the purpose of providing simplified addressing for Internet and telephone messaging (see Waites col.1, lines 39-41).

As regarding claim 20, Waites taught the dynamic address name is a name of a user of an instant messaging system (see Waites, col.1, lines 38-41). The same motivation was utilized in claim 18 applied equally well to claim 20.

As regarding claim 52, Voit disclosed all limitations of claim 40, but did not expressly disclosed the telephone call is associated with a facsimile transmission. Waites taught expressly disclosed the telephone call is associated with a facsimile transmission (col.6, lines 56).

It would have been obvious to one with ordinary skill in the art at the time of the invention was made to combine the teaching of Waites to the method of Voit to have the telephone call is associated with a facsimile transmission for the purpose of providing simplified addressing for Internet and telephone messaging (see Waites col.1, lines 39-41).

Claims 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Voit (us pat 6,104,711) as applied to claim 12, 19 above, and further in view of Sitaraman et al (us pat 6,243,749) (hereinafter Sitaraman).

Voit disclosed all limitations of claim 12 and 19, but did not expressly disclose the address mapping is providing by a dynamic address system. Sitaraman taught the address mapping is providing by a dynamic address system (see Sitaraman col.4, lines 14-17).

It would have been obvious to one with ordinary skill in the art at the time of the invention was made to combine the teaching of Sitaraman to the method of Voit to have

address mapping is providing by a dynamic address system for the purpose of

dynamically allocated host addresses to allow subscribers to reliably locate other

subscribers who have been dynamically allocated host addresses (see Sitaraman col.1,

lines 6-10).

        Claims 2, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Voit (us pat 6,104,711) and Sitaraman et al (us pat 6,243,749) (hereinafter Sitaraman)

as applied to claim 1,12, 19, 21 above, and further in view of Waites (us pat 6,788,769).

        Voit and Sitaraman disclosed all limitations of claim 1,12,19, and 21 above, but

did not expressly disclose the dynamic address system is an instant messaging system.

        Waites taught the dynamic address system is an instant messaging system

(col.1, lines 38-41).

        It would have been obvious to one with ordinary skill in the art at the time of the

invention was made to combine the teaching of Waites to the method of Voit and

Sitaraman to have the dynamic address system is an instant messaging system for the

purpose of providing the improved system and method is desired which provide

simplifies addressing for Internet and telephone messaging (see Waites col.1, lines 38-

41).

        As regarding claim 2, the limitations are similar to claim 22, therefore rejected for

the same rationale as claim 22.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

Claims 40-51, 53-57 are rejected under 35 U.S.C. 102(e) as being anticipated by

Voit (us pat 6,104,711).

As regarding claim 40, Voit disclosed receiving a domain name from a client

computer, the domain name being associated with a telephone number (col.11, lines

58-67, col12, lines 1-9); identifying an address of a telephone server associated with the

telephone number associated with the domain name (col.11, lines 58-67, col.12, lines 1-

9); and sending the identified address to the client computer wherein, when the client

computer accesses the identified address, a telephone call is placed to the telephone

number associated with the domain name (col.12, lines 1-9).

As regarding claim 41, Voit disclosed the telephone number is part of the domain

name (col.8, lines 52-57).

As regarding claim 42, Voit disclosed the telephone number is a second-level

domain name (col.8, lines 52-57).

As regarding claim 43, Voit disclosed the telephone number is a third-level domain name (col.8, lines 52-57).

As regarding claim 44, Voit disclosed the telephone number is dispersed throughout the domain name (col.8, lines 52-57).

As regarding claim 45, Voit disclosed the domain name identifies a name that is associated with at telephone number (col.5, lines 1-23).

As regarding claim 46, Voit disclosed the name is a name of a person (col.5, lines 1-23).

As regarding claim 47, Voit disclosed the name is a name of an organization (col.5, lines 1-23).

As regarding claim 48, Voit disclosed the name is a name of a business entity (col.5, lines 1-23).

As regarding claim 49, Voit disclosed the name is an alphabetic, numeric, or alphanumeric identifier (col.9, lines 66-67, col.10, lines 1-9).

As regarding claim 50, Voit disclosed the telephone call is associated with a voice conversation (col.11, lines 66-67, col.12, lines 1-10).

As regarding claim 53, Voit disclosed a computer-readable medium containing a data structure having a domain name comprising: a top-level domain name; and another level domain name that identifies a telephone number to be called when the domain name is specified (col.10, lines 1-20).

As regarding claim 54, Voit disclosed the other level domain name contains the digits of the telephone number (col.10, lines 1-20).

As regarding claim 55, Voit disclosed the other level domain name contains the name of an entity to be called (col.10, lines 1-20).

As regarding claim 56, Voit disclosed the other level domain name is a second-level domain name (col.10, lines 1-20).

As regarding claim 57, Voit disclosed the other level domain name is a third-level domain name (col.10, lines 1-20).

Claims 58-62, 64-72 are rejected under 35 U.S.C. 102(e) as being anticipated by West et al (us 2001/0023447) (hereinafter West).

As regarding claim 58, West disclosed receiving a domain name from a client (pg.1, paragraph 2); determining whether an address is associated with the received domain name (pg.1, paragraph 2); and when it is determined that an address is not associated with the received domain name, sending a search request based on the domain name to a search engine (pg.1, paragraph 2); receiving from the search engine an address associated with the search results(pg.1, paragraph 2); and sending to the client the received address so that the client can access the search results(pg.1, paragraph 2).

As regarding claim 59, West disclosed the address is an IP address (pg.1, paragraph 2).

As regarding claim 60, West disclosed the computer system is a domain name server (pg.1, paragraph 2).

As regarding claim 61, West disclosed the domain name server is a top level domain name server (pg.1, paragraph 2).

As regarding claim 62, West disclosed the domain name server is a secon level domain name server (pg.1, paragraph 2).

As regarding claim 64-69 the limitations are similar to claims 58-62 therefore rejected for the same rationale as claims 58-62.

As regarding claims 70-72 the limitations are similar to claims 58-62 therefore rejected for the same rationale as claims 58-62.

Claims 63 is rejected under 35 U.S.C. 102(e) as being anticipated by Zhang et al (us pat 6324585) (hereinafter Zhang).

As regarding claim 63 Zhang disclosed receiving a domain name from a client, **the domain name identifying a serer computer to be accessed by the client** (col.6, lines 1-67); determining whether an address is associated with the received domain name (col.6,lines 1-67); and when it is determined that an address is not associated with the received domain name, sending to the client an address of an alternate server computer so that the client can access the alternate server computer **in place of the server computer identified by the domain name** (col.6, lines 1-67).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner
Duyen Doan
Art unit 2143

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